



Rep. Mike Honda
Testimony for Hearing on H.R. 1198 “Justice for U.S. P.O.W.s Act”
House Judiciary Subcommittee on Immigration and Claims
September 25, 2002

Chairman Gekas, Ranking Member Jackson-Lee and Members of the Immigration, Border Security and Claims subcommittee, it is a privilege for me to be here today to speak about the bill H.R. 1198 and the situation of former American P.O.W.s who fought in the Pacific Theater during World War II. My commitment in addressing these issues is deep-seated. I thank my good friend and colleague from California, Dana Rohrabacher for his tireless work on these issues as well.

I am a teacher by training—I am not an expert on the issue of war and the atrocities that all too often accompany the prosecution of war between nations.

I want to share with you why I think it is important to pay attention to events that took place over 50 years ago.

The roots of my involvement in the P.O.W. reparation movement was embedded in me as a youth, well before I had any idea about the atrocities that some Japanese companies visited upon U.S. servicemen during WW II.

My family was interned in a camp in Amache, Colorado in 1942. We were eventually able to leave the camp because my father volunteered to serve in the Navy’s Military Intelligence Service.

The Japanese American Redress Movement focused the United States on coming to terms with the injustices of the internment of Japanese Americans during World War II— this shaped my desire *to set the record straight*.

It was once taboo in my community to discuss the internment issue. The Redress movement brought the reality of internment out into the open and allowed the healing process to begin— this enabled many of us to put aside our bitterness and understand clearly what happened to us in our own country during World War II.

Just as the healing process began in my community, it is my great hope that H.R. 1198 will result in a historic decision which will bring some measure of closure for our brave soldiers, sailors and airmen who were so severely mistreated as prisoners of war while

educating our nation about what really happened during World War II so together, we can all learn from the lessons of those dark times. We cannot ignore the past. We cannot sweep the events of the past under the rug.

When I think about forgiveness, I think about **Dr. Lester Tenney**, an American veteran and P.O.W. who is with us today. Dr. Tenney once told me: If you can't forgive—you are still a prisoner.

Dr. Tenney's story mirrors what many of our P.O.W.s went through. He became a prisoner of war on April 9, 1942, with the fall of Bataan in the Philippines. A survivor of the Bataan Death March, he was sent in a "hell ship" to Japan, where he became part of the slave labor force working in a coalmine owned by the Mitsui company.

Dr. Tenney has stated, and I quote, "I was forced to shovel coal 12 hours a day, 28 days a month, for over two years. The reward I received for this hard labor was beatings by the civilian workers in the mine". And if he did not work fast enough or if the American troops had won an important battle, the beatings would be that much more severe.

It is important to stress that the legislation we have introduced, H.R. 1198, is by no means an instrument to further an agenda that fosters anti-Asian sentiments, racism, or Japan "bashing." ***What this bill will do—is give our veterans their much deserved and long-awaited day in court, restore some measure of dignity to them, and set the record straight, before they all die. The youngest POW is about 80 years old now.***

Our intention in pushing for the Justice for United States Prisoners of War Act of 2001 is to support our former prisoners of war held in Japan during World War II and not allow our State Department to outlast the survivors.

Private employees of these companies tortured and physically abused our G.I.s, while the corporations withheld essential medical care and even the most minimal amounts of food.

After the War, approximately 16,000 P.O.W.s returned - all battered and nearly starved to death, many permanently disabled... all changed forever.

More than 11,000 P.O.W.s died at the hands of their Japanese corporate employers, making it one of the worst records of physical abuse and mortality rate of P.O.W.s in recorded history.

Now, like many other victims of World War II-era atrocities, the remaining survivors and the estates of those who have since passed away are seeking justice and historical recognition of their ordeal.

The former P.O.W.s do not seek any action or retaliation against the current Japanese government or against the Japanese people. Nor do they seek to portray Asian-Americans in any sort of negative light. Rather, they simply seek just compensation from the Japanese companies who profited from their suffering.

The main problem these former P.O.W.s face today has been the way in which the U.S. peace treaty with Japan has been interpreted by the State Department.

Japan has extended more favorable peace settlement terms with other countries - and is continuing to settle war claims with nationals of other countries. Unfortunately, to date, the U.S. State Department has asserted that former P.O.W.s can claim no benefits due to the State Department's interpretation of the terms of the peace treaty, while other countries have helped their nationals in receiving benefits.

The U.S. State Department has stood in the way of our P.O.W.s' efforts to obtain some amount of justice by their restrictive reading of the peace treaty.

In the face of this of these obstacles, Congress passed a resolution, S.Con. Res. 158, in the final days of the 106th Congress, calling upon the State Department to "put forth its best efforts to facilitate discussions designed to resolve all issues between former members of the Armed Forces of the United States who were prisoners of war forced into slave labor for the benefit of Japanese companies during World War II and the private Japanese companies who profited from their slave labor."

To date, the State Department has apparently taken no significant action to resolve this matter. It is therefore up to this Congress to press this issue firmly but fairly.

Our bill is a balanced and fair response to this situation. H.R. 1198 would:

- pursue justice through the U.S. court system (as any former employee of a private employer can)
- allow states to extend the statute of limitations applicable to these claims for a period up to 10 years, and
- require that any U.S. government entity provide the Department of Veterans Affairs any medical records relating to chemical or biological tests conducted on any P.O.W. and make those available to the P.O.W. upon request.

Since the end of the World War II, the Japanese corporations that abused these former P.O.W.s and profited from their forced labor have prospered enormously.

Many of these companies are now household names in the United States. As an ethical and moral matter, they long ago should have voluntarily reached out to their victims and settled this injustice.

These men, members of what Tom Brokaw calls "the greatest generation", volunteered for combat at the onset of WWII in the Pacific Theater. Their average age was 17, 18 years, young, strong and in the prime of their youth, full of vigor and patriotism.

These brave soldiers were left in the Philippines, ordered to surrender to the Japanese Imperial Army; forced to march the infamous 55 mile Bataan Death March, packed into the hole of the Hell Ships (standing room only) taking them to Japan as prisoners of war. While P.O.W.s the Japanese Corporations asked to use the P.O.W.s as laborers in their coal, copper mines. Permission was granted and at that point they became slave laborers, working without compensation and brutalized for months on end.

At the war's end, the U.S. sued for an unconditional surrender and to prosecute all war criminals who had committed crimes against humanity. Neither happened. Our government negotiated away an unconditional surrender with the defeated Japanese government, consciously deleting the P.O.W.s inclusion in the treaty which took until 1952 to be ratified by the Congress.

What we ask today, gentle people, is to allow these heroes who placed their youth upon the same sacrificial alter that Abraham did when he was being tested for his faith, to have their day in court to allow them to once again struggle to regain their dignity, their pride and to have a fighting chance for the apology and redress in a court of law. They survived the horrific Death March. They survived the stench and suffocating death of the Hell Ships. They survived the prison camps and the torture of slavery.

TODAY? Now, THEY are surviving our judicial system. The very system they fought to defend.

On behalf of the men of indomitable spirit and grace, I ask for your support of this important measure and urge you to facilitate its expeditious passage.